

as amended 42 U.S.C. 6912(a), 6926, 6974(b).

Dated: January 7, 1985.

Morris Kay,
Regional Administrator.

[FR Doc. 85-1790 Filed 1-23-85; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 271

(SW-3-FRL-2763-2)

Hazardous Waste Management Program; Request for Extension of Interim Authorization Period and Application Deadline for Final Authorization

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Extension of Interim Authorization Period.

SUMMARY: The States of Pennsylvania and West Virginia recently requested a further extension beyond the January 26, 1985 deadline, previously granted, for continuation of their interim authorization under the Resource Conservation and Recovery Act (RCRA), as amended (see 49 FR 7234, February 28, 1984 and 49 FR 30072, July 26, 1984). EPA is granting the requested extension. The extension avoids termination, on January 26, 1985, of interim authorization which EPA previously granted to these States. Therefore, the existing interim authorized programs in Pennsylvania and West Virginia, are now extended until January 31, 1986, or the date these States receive final authorization, whichever is earlier. In addition, EPA expects in the near future to publish a final decision concerning the final authorization under RCRA to the State of Maryland and the District of Columbia. However, the effective date of this decision may extend beyond the original January 26, 1985, deadline. Therefore, the existing interim authorized program in Maryland is now extended until February 28, 1985 and the existing interim authorized program in the District of Columbia is now extended until March 31, 1985, or the date these States receive final authorization, whichever is earlier.

EFFECTIVE DATE: January 24, 1985.

FOR FURTHER INFORMATION CONTACT: Robert L. Allen, Chief, Waste Management Branch, Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, PA 19107, telephone: (215) 597-0980.

SUPPLEMENTARY INFORMATION: Background

40 CFR 271.122(c)(4) requires States which have received any, but not all, Phases/Components of interim authorization to amend their original submissions by July 26, 1983 to include all Components of Phase II. (See 47 FR 32377, July 26, 1982.) Further, 40 CFR 271.137(a) provides that on July 26, 1983 interim authorization terminates except where the State has submitted by that date an application for all Phases/Components of interim authorization. (See 47 FR 32178, July 26, 1982.) Where the authorization (approval) of the State program terminates, EPA is to administer and enforce the Federal program in that State.

However, 40 CFR 271.137(a) also allowed the Regional Administrator to extend the July 26, 1983 deadline for good cause so that the State program would not revert to EPA. A Regional Administrator could not, however, extend the deadline past January 26, 1985, as 40 CFR 271.122(b) provides that interim authorization of a State's hazardous waste program ends 24 months from the effective date of the last component of Phase II. The last component of Phase II regulations was published on July 26, 1982. It became effective on January 26, 1983; thus, interim authorization was to end on January 26, 1985. (See 47 FR 32365, July 26, 1982.)

The Hazardous and Solid Waste Amendments of 1984 (Pub. L. 98-616, Nov. 8, 1984), amended Section 3006(c) to allow interim authorization to extend to January 31, 1986. Therefore, the Regional Administrator has authority to extend a State's interim authorization to January 31, 1986 in appropriate cases.

Pennsylvania

Pennsylvania received Phase I interim authorization on May 21, 1981. The portion of the program covered by the Phase II components is being applied for as part of the State's application for final authorization. The State submitted a draft application for final authorization on January 31, 1984. Three sets of regulations, in various stages of promulgation, are needed before the State is eligible to apply for final authorization. The first of these are the financial responsibility regulations scheduled to be promulgated as final rules in January, 1985. The second and third regulatory packages are conforming regulatory amendments. The second and third sets of regulations are scheduled to be promulgated as final rule in February 1985 and June 1985, respectively. The State now intends to submit its official application for final

authorization in July 1985, and to receive final authorization by December 1985.

West Virginia

West Virginia received Phase I and II, Components A and B, interim authorization on March 28, 1984. The portion of the program covered by Phase II Component C is being applied for as part of the State's application for final authorization. The State submitted a draft application for final authorization on March 30, 1984. Statutory and regulatory deficiencies identified during the review of the draft application must be addressed by the upcoming legislative session which convenes in February 1985. The State now intends to submit its official application for final authorization in March 1985 and to receive final authorization by September 1985.

Maryland

On July 8, 1981, the State of Maryland was granted interim authorization for Phase I, to operate its hazardous waste program in lieu of the Federal program. The State also received interim authorization for Phase II Component A on November 23, 1983 and, on July 9, 1984, received interim authorization for Phase II Components B and C. The Hazardous and Solid Waste Amendments of 1984 (Pub. L. 98-616, November 8, 1984), amended section 3006(c) to allow interim authorization to extend to January 31, 1986, rather than to January 26, 1985, as had been provided for prior to the amendments. On October 26, 1984, a Notice was published in which the Regional Administrator made the tentative decision to grant the final authorization to the State of Maryland to operate its program in lieu of the Federal program (49 FR 43072). Therefore, interim authorization of Maryland's program is now extended to the effective date of the Regional Administrator's determination granting final authorization, or until February 28, 1984, whichever is earlier.

District of Columbia

On November 22, 1983, the District of Columbia was granted interim authorization for Phases I and II, Components A and B, to operate its hazardous waste program in lieu of the Federal program (48 FR 52720). The Hazardous and Solid Waste Amendments of 1984 (Pub. L. 98-616, November 8, 1984), amended section 3006(c) to allow interim authorization to extend to January 31, 1986, rather than to January 26, 1985, as had been provided for prior to the amendments.

On November 28, 1984, a notice was published in which the Regional Administrator made the tentative decision to grant final authorization to operate its program in lieu of the Federal program (49 FR 46443). Therefore, interim authorization of the District's program is now extended to the effective date of the Regional Administrator's determination granting final authorization, or until March 31, 1985, whichever is earlier.

Decision

In consideration of the above schedules, the above mentioned States continued efforts to obtain final authorization, and the Hazardous and Solid Waste Amendments of 1984 which allow interim authorization to extend to January 31, 1986, I have found good cause to grant extensions to the interim authorization period. Therefore, the interim authorized programs of Pennsylvania and West Virginia are now extended until January 31, 1986, or the effective dates of final authorization, whichever is earlier. In addition, the existing authorized program in Maryland is now extended until February 28, 1985 and the existing interim authorized program in the District of Columbia is now extended until March 31, 1985, or the date these States receive final authorization, whichever is earlier.

Compliance with Executive Order 12291

The Office of Management and Budget (OMB) has exempted this rule from the requirements of Section 3, Executive Order 12291.

Certification Under the Regulatory Flexibility Act

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this extension will not have a significant economic impact on a substantial number of small entities. The extension effectively suspends the applicability of certain Federal regulations in favor of these States' programs, thereby eliminating duplicative requirements for handlers of hazardous waste in Pennsylvania and West Virginia. It does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

List of Subjects in 40 CFR Part 271

Hazardous materials, Indian Lands, Reporting and recordkeeping requirements, Waste treatment and disposal, Intergovernmental relations, Penalties, Confidential business information.

Authority

This notice is issued under the authority of Sections 2002(a), 3006, and 7004(b) of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended, and the Hazardous and Solid Waste Amendments of 1984, 42 U.S.C. 6912(a), 6926, and 6974(b).

Dated: January 16, 1985.

Thomas P. Eichler,

Regional Administrator.

[FR Doc. 85-1792 Filed 1-23-85; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 271

[SW-6-FRL-2762-8]

Louisiana; Decision on Final Authorization of State Hazardous Waste Management Program

AGENCY: Environmental Protection Agency.

ACTION: Notice of Final Determination on Louisiana's application for Final Authorization.

SUMMARY: Louisiana has applied for Final Authorization under the Resource Conservation and Recovery Act (RCRA). The Environmental Protection Agency (EPA) has reviewed Louisiana's application and has reached a final determination that Louisiana's Hazardous Waste Program satisfies all of the requirements necessary for Final Authorization. Thus EPA is granting Final Authorization to the State to operate its program in lieu of the Federal program in Louisiana.

EFFECTIVE DATE: Final Authorization for Louisiana, for purposes of judicial review, shall be effective February 7, 1985.

FOR FURTHER INFORMATION CONTACT: H.J. Parr, State Programs Section (6AW-HP), Hazardous Materials Branch, U.S. Environmental Protection Agency, Region VI, 1201 Elm St., Dallas, Texas 75270 (214) 767-2645.

SUPPLEMENTARY INFORMATION: Section 3006 of RCRA allows the EPA to authorize State hazardous waste management programs to operate in the state in lieu of the Federal program. To qualify for Final Authorization, a State's program must (1) be "equivalent" to the Federal program, (2) be consistent with the Federal program and other authorized state programs and (3) provide for adequate enforcement (Section 3006(b) of RCRA, 42 U.S.C. 6226(b)).

On August 27, 1984, Louisiana submitted a complete application to

obtain Final Authorization to administer a RCRA program. On November 7, 1984, EPA published a tentative decision announcing its intent to grant Louisiana Final Authorization.

Further background on the tentative decision appears at 49 FR 44506, November 7, 1984.

Along with the tentative determination, EPA announced the availability of the State's application for public review and comment and the date of a public hearing on the application and EPA's tentative determination. The public hearing was held on December 6, 1984, at 7:00 p.m. in Baton Rouge, Louisiana.

The State of Louisiana received Interim Authorization for Phase I on December 19, 1980. Louisiana received Phase II, Components A, B and C Interim Authorization on January 24, 1984. Upon receiving Final Authorization, there will be no change in the status of permits or permitting authority on the effective date of this Final Determination.

Louisiana is not authorized by the Federal government to operate the RCRA program on Indian Lands and this authority will remain with EPA.

Responsiveness Summary

In addition to the Federal Register notice of tentative determination cited above, EPA publicized the notice of determination, the availability of the State's application for review and comment, and the public hearing by providing for publication of the notice in enough newspapers of general circulation to ensure State wide coverage and by mailing notices to persons on the State and EPA mailing lists. Approximately one (1) week prior to the hearing EPA mailed a follow-up notice to the major news media outlets in the State.

EPA received comments from one (1) person on the Tentative Decision to grant Final Authorization to Louisiana. The comment is summarized and responded to below.

1. Comment: The Commenter asks that the State not be authorized because of a concern with contaminated drinking water and the inability to get the State to take action on this concern. The commenter also states a concern with the lack of action by the state in addressing sugar cane burning and odors in the area where the commenter lives.

Response: EPA appreciates and solicits comments concerning the administration of a State's program either as relating to an individual facility or as to its effectiveness

throughout the State. EPA considers these comments both in reaching the decision to grant authorization and in the continuing process of overseeing the authorized State's implementation of its program. Specific complaints regarding an individual facility are investigated and responses provided directly to the complainant. EPA feels that the authorization process is not the proper forum for responding to complaints regarding individual facilities unless the complaints reflect on the State's implementation of the authorized program.

In response to the commenter's specific concerns, EPA feels that there does not appear to be a direct relationship between the problems enumerated by the commenter and the State's Hazardous Waste Management Program. EPA, though, has begun an investigation by the appropriate offices and will contact the commenter for specific information. EPA will see that whatever appropriate action needed is taken.

Decision

After reviewing the public comment, re-evaluating the State's submittal in light of that comment, and considering the performance of the State under Interim Authorization, it is my conclusion that Louisiana's application for Final Authorization meets all of the regulatory and statutory requirements established by RCRA.

Accordingly, Louisiana is granted Final Authorization to operate its hazardous waste management program. Subject to the Hazardous and Solid Waste Amendments of 1984 (Pub. L. 98-616, November 8, 1984), Louisiana now has responsibility for permitting treatment, storage and disposal facilities within its borders and for carrying out all other aspects of the RCRA program. Louisiana also has primary enforcement responsibility, although EPA retains the right to conduct inspections under section 3007 of RCRA and to take enforcement actions under sections 3008, 3013 and 7003 of RCRA.

Prior to the Hazardous and Solid Waste Amendments (HSWA) amending RCRA, a State with final authorization administered its hazardous waste program entirely in lieu of the EPA. EPA's regulations no longer applied in the authorized State, and EPA could not issue permits for any facilities the State was authorized to permit.

Now, however, under section 3006(g) of RCRA, 42 U.S.C. 6226(g), the new requirements and prohibitions imposed by the HSWA take effect in authorized States at the same time as they take effect in non-authorized States. EPA is

directed to carry out those requirements and prohibitions in authorized States, including the issuance of full or partial permits, until the State is granted authorization to do so.

As a result of the HSWA, there will be a dual State/Federal regulatory program in Louisiana. To the extent the authorized State program is unaffected by the HSWA, the State program will operate in lieu of the Federal program. EPA will administer and enforce the portions of the HSWA in Louisiana until Louisiana receives authorization to do so. Among other things, this will entail the issuance of Federal RCRA permits for those areas in which the State is not yet authorized. Once the State is authorized to implement a HSWA requirement or prohibition, the State program in that area will operate in lieu of the Federal provision. Until that time the State will assist EPA's implementation of the HSWA under a Cooperative Agreement.

HSWA related requirements that are more stringent than the State's program apply in Louisiana. Any State requirement that is more stringent than an HSWA provision also remains in effect; thus, the universe of the more stringent provisions in the authorized State program and today's approval defines the applicable requirements in Louisiana. (Louisiana is not being authorized now for any requirement implementing the HSWA.)

EPA will be publishing a Federal Register notice that explains in detail the HSWA and its effect on authorized States. That notice should be referred to for further information.

Region VI and Louisiana are currently reviewing the Memorandum of Agreement (MOA) to revise it to address the requirements of the HSWA. The current MOA provides that Louisiana shall administer the RCRA program in lieu of EPA and that EPA shall not issue permits in the State. Thus, it is inconsistent with the HSWA and will be revised to reflect EPA's and Louisiana's respective responsibilities under the new Federal/State regulatory scheme. (Because of the strict statutory time clock for processing final authorization applications, the State and EPA did not have ample time to revise the MOA before EPA's final approval of the State's application.)

Compliance With Executive Order 12291

The Office of Management and Budget has exempted this Final Authorization from the requirements of section 3 of Executive Order 12291.

Certification Under the Regulatory Flexibility Act

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this authorization will not have a significant economic impact on a substantial number of entities. This authorization effectively suspends the applicability of certain Federal regulations in favor of Louisiana's program, thereby eliminating duplicative requirements for handlers of hazardous waste in the State. It does not impose any new burden on small entities. This Final Determination therefore, does not require a regulatory flexibility analysis.

List of Subjects in 40 CFR Part 271

Hazardous materials, Indian lands, Reporting and recordkeeping requirements, Waste treatment and disposal, Intergovernmental relations, Penalties, Confidential business information.

Authority

This Final Determination is issued under the authority of sections 2002(a), 3006, and 7004(b) of the Solid Waste Disposal Act as amended 42 U.S.C. 6912(a), 6926, 6974(b) and EPA delegation 8-7.

Dated: January 10, 1985.

Dick Whittington,

Regional Administrator.

[FR Doc. 85-1791 Filed 1-23-85; 8:45 am]

BILLING CODE 5560-50-M

DEPARTMENT OF JUSTICE

Office of the Attorney General

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 150

Public Safety Awards to Public Safety Officers

AGENCY: Federal Emergency Management Agency and Justice.

ACTION: Final rule.

SUMMARY: This rule amends a recently published final rule in order to extend the cut-off date for submission of nominations for the period October 29, 1972 through December 31, 1983 from November 15, 1984 to February 28, 1985. This change is made to allow the public additional time in which to submit nominations for public safety officer awards. Also, the date by which the Joint Public Safety Awards Board is to complete its actions for the period October 29, 1972 through December 31,

1983 is changed from December 14, 1984 to March 29, 1985. Finally, a correction has been made in a reference to a section due to a typographical error contained within the existing regulations.

EFFECTIVE DATE: January 24, 1985.

FOR FURTHER INFORMATION CONTACT: Lt. Col. Richard S. Buck, Office of General Counsel, Federal Emergency Management Agency, (202) 287-0385.

SUPPLEMENTARY INFORMATION: When the Public Safety Awards to Public Safety Officers regulation was published in the *Federal Register* (49 FR 39844, October 11, 1984), the public was to submit nominations of firefighters, law enforcement officers and civil defense officers for the President's Award and Distinguished Public Safety Service Award for acts of merit performed between October 29, 1972 and December 31, 1983 by a cut-off date of November 15, 1984. This allowed the public only 35 days in which to submit nominations. The amendment now gives the public additional time in which to submit nominations. Also, the date by which the Joint Public Safety Awards Board

must complete its consideration of these nominations is changed to March 29, 1985 as a result of the change in the cut-off date for submission of nominations.

This rule is not a major rule within the meaning of the term in section 1.(b), Executive Order 12291, nor, since it involves awards to a limited number of individuals, is it a rule which has a significant economic impact on a substantial number of small entities.

List of Subjects in 44 CFR Part 150

Civil defense, Decorations, Medals and awards, Firefighters, Law enforcement officers.

By virtue of the authority contained in 15 U.S.C. 2214, Part 150 of Title 44, Code of Federal Regulations is amended as follows:

§ 150.3 [Amended]

1. Section 150.3(c) is amended by removing from the last sentence the date "November 15, 1984" and inserting in its place the date "February 28, 1985".

§ 150.5 [Amended]

2. Section 150.5(d) is amended by removing from the last sentence the date

"December 14, 1984" and inserting in its place the date "March 29, 1985".

3. Section 150.10 is revised to read as follows:

§ 150.10 Date of submission of nominations.

Nominations may only be submitted for acts, services, or contributions occurring within two years preceding the November 15 cut-off date described in § 150.3(c), above. However, nominations submitted prior to the February 28, 1985 cut-off date may be made for acts, services or contributions occurring on or after October 29, 1972 (two years before the effective date of the Act).

Dated: January 14, 1985,
William French Smith,
Attorney General.

Dated: January 17, 1985.
Louis O. Giuffrida,
Director, Federal Emergency Management Agency.
[FR Doc. 85-1797 Filed 1-23-85; 8:45 am]
BILLING CODE 6718-01-M